

United States District Court

for the
Eastern District of Missouri

United States of America
v.

Alphonso Hemmeain

Case No: 4:06CR585

USM No: 33378-044

Date of Previous Judgment: March 9, 2007

(Use Date of Last Amended Judgment if Applicable)

Tom Flynn

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the Term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 120 months is reduced to 110 months

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 23

Amended Offense Level: 21

Criminal History Category: II

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Previous Guideline Range: 51 to 63 months

Amended Guideline Range: 41 to 53 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

This reduction reflects a revised calculation on Count I. It does not change the sentence on Count II which remains 60 months to be served consecutively to the sentence on Count I.

Except as provided above, all provisions of the judgment dated March 9, 2007 shall remain in effect.

IT IS SO ORDERED

Order Date: May 28, 2008


Judge's Signature

Effective Date: June 9, 2008
(if different from order date)

Jean C. Hamilton, United States District Judge
Printed Name and title